

FILED

OCT 18 2011

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
11-SO-3

DENNIS P. JAVARONE, CLERK  
US DISTRICT COURT, EDNC  
BY                      DEP CLK

Re: Motions for Post-conviction Relief  
Pursuant to United States v. Simmons,  
\_\_\_ F.3d \_\_\_ (4th Cir. Aug. 17, 2011)  
(en banc)

**STANDING ORDER**

Pursuant to the provisions of the Criminal Justice Act, Title 18, U.S.C. §§ 3006A(a)(1) and (c), the Office of Federal Public Defender for the Eastern District of North Carolina is hereby appointed to represent any defendant currently incarcerated in the Federal Bureau of Prisons, who was previously determined to have been entitled to appointment of counsel and who was previously represented by the Office of the Federal Public Defender at the district court level through the completion of sentencing to determine whether that defendant may qualify for post-conviction relief pursuant to United States v. Simmons, \_\_\_ F.3d \_\_\_, No. 08-4475, 2011 WL 3607266 (4th Cir. Aug. 17, 2011) (en banc), and if so, to assist the defendant in obtaining such relief. Additionally, the Office of the Federal Public Defender is appointed for the same limited purpose to represent any defendant currently incarcerated in the Federal Bureau of Prisons who, though not indigent at the time of trial, judgment, and sentencing, is now indigent, so long as no conflict exists between that defendant and a current or former client of the Office of the Federal Public Defender. Attorneys serving on the Criminal Justice Act panel for the Eastern District of North Carolina are hereby appointed to represent any former client currently incarcerated in the Federal Bureau of Prisons previously determined to have been entitled to appointment of counsel to determine whether that defendant may qualify for post-conviction relief pursuant to United States v. Simmons, \_\_\_ F.3d \_\_\_, No. 08-4475, 2011 WL 3607266 (4th Cir. Aug. 17, 2011) (en banc), and if so, to assist such

defendant in obtaining any such relief. Additionally, attorneys serving on the Criminal Justice Act panel may be appointed to represent an indigent defendant currently incarcerated in the Federal Bureau of Prisons, who they did not previously represent, when a conflict exists such that the Office of the Federal Public Defender cannot represent that defendant. This appointment is limited to cases affected or potentially affected by United States v. Simmons, \_\_\_ F.3d \_\_\_, No. 08-4475, 2011 WL 3607266 (4th Cir. Aug. 17, 2011) (en banc), and will terminate upon a determination by appointed counsel that the defendant is not eligible for relief or, if eligible for relief, upon exhaustion of the defendant's post-conviction remedies.

The U.S. Probation Office for the Eastern District of North Carolina is authorized to disclose Presentence Investigation Reports and Statements of Reasons to the Federal Public Defender's Office and the Criminal Justice Act panel for the purpose of determining eligibility for relief. Upon request by the Office of the U.S. Attorney for the Eastern District of North Carolina, the U.S. Probation Office also shall provide copies of the Presentence Investigation Reports and Statements of Reasons in these cases to the Office of the U.S. Attorney for the Eastern District of North Carolina. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports will be provided to inmates.

SO ORDERED. This 18 day of October 2011.

  
JAMES C. DEVER III  
Chief United States District Judge